



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/940,924

08/29/2001

Masaharu Nishida

NIP-241

5829

24956

7590

07/03/2006

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

JASMIN, LYNDIA C

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. Amendment received April 18, 2006 has been acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5, 6, 9, 10, 13, 14, 16, 17, 19, and 20 are rejected under 35

U.S.C. 102(e) as being anticipated by Smith et al (2002/0143725 A1).

Smith et al. discloses a method of managing consumer goods and/or reagents (such as reagent chemicals and/or targeted chemical) used in an analyzer (via equipment that is used to synthesize target chemical), comprising the steps of: recording consumption information on consumer goods used in the analyzer (via data entry 110 populating a database); sorting the consumption information of the consumer goods according to consumer goods supplier (via corresponding plurality of listing in a supplier database and/or listings of equipment that are entered into the equipment database, along with a plurality of third pointers to a corresponding plurality of listings of equipment suppliers in the supplier database); and transmitting the sorted consumption information to a management unit for the analyzer or consumer goods suppliers supply

Art Unit: 3627

management units (see paragraph 0046), and analyzing the consumption status of consumer goods used in the analyzer according to consumer goods supplier and consumer goods supplied (via transaction 130 that is performed to electronically order the reagent chemicals that are used to synthesize the target chemical, the equipment that is used to synthesize the target chemical and/or the target chemical itself).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4, 8, 12, 15, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al.

Smith et al. further discloses confirming supply status based on the consumer goods supply management information (paragraph 0086 via obtaining tracking number).

Although, Smith et al. does not explicitly disclose requesting payment from an analyzer administrator, however, it is would have been obvious to one of ordinary skill in the art at the time the invention was made to have including the means for requesting payment when purchased is made in Smith et al. since purchase order transaction includes shipping and payment and the Examiner takes Official Notice as such.

Response to Arguments

6. Applicant's arguments filed April 18, 2006 have been fully considered but they are not persuasive.

Applicants argue, "Smith does not disclose that consumption information of the consumer goods is sorted according to consumer goods supplier." The Examiner respectfully disagrees. Smith discloses,

"data entry 110 may be used to populate a database of a plurality of target chemicals, a plurality of corresponding listings of reagent chemicals, a plurality of corresponding listings of equipment and a plurality of corresponding listings of procedures. This database may include three related databases: a chemical database, an equipment database and a supplier database."

Further, Smith discloses "The plurality of listings of equipment are entered into the equipment database, along with a plurality of third pointers to a corresponding plurality of listings of equipment suppliers in the supplier database." See paragraph [0030].

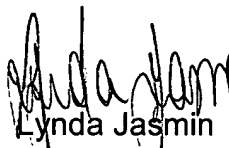
Art Unit: 3627

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lindoerfer et al., Aram, Martin et al., Drolet et al., are cited for discloses categorizing goods/products according to supplier.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday to Friday (with alternate Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627
6/25/06